

**Yukon City Council Minutes
July 18, 2017**

The Yukon City Council met in regular session on July 18, 2017 at 7:00 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth Street, Yukon, Oklahoma.

The invocation was given by Pastor Debi Powell-Maxwell, First Christian Church

The flag salute was given in unison.

ROLL CALL: (Present) Michael McEachern, Mayor
Earline Smaistrila, Vice Mayor
Richard Russell, Council
John Alberts, Council Member
(Absent) Donna Yanda, Council Member

OTHERS PRESENT:

Jim Crosby, City Manager	Doug Shivers, City Clerk
Tammy DeSpain, Assistant City Manager	Robbie Williams, Triad
Gary Cooper, IT Director	Mitchell Hort, Dev. Services Director
Gary Miller, City Attorney	Jenna Roberson, PIO
Arnold Adams, Public Works Director	Dana Deckard, Administration

Presentations and Proclamations

None

Visitors

None

(Recess as Yukon City Council and Reconvene as Yukon Municipal Authority)

1A. YMA Consent Docket

This item is placed on the agenda so the Yukon Municipal Authority, by unanimous consent, can designate those routine items they wish to be approved by one motion. If an item does not meet with the approval of all Authority Members, that item will be heard in regular order.

The City Manager recommends a motion to approve:

- C) The minutes of the regular meeting of July 6, 2017**
- D) The Notice of Exercise of Option to Extend Municipal Solid Waste Landfill Disposal Services Contract with Oklahoma City Waste Disposal, Inc., a Waste Connections of Oklahoma, Inc. Company through September 30, 2017**

The motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of July 6, 2017; the Notice of Exercise of Option to Extend Municipal Solid Waste Landfill Disposal Services Contract with Oklahoma City Waste Disposal, Inc., a Waste Connections of Oklahoma, Inc. Company through September 30, 2017, was made by Trustee Russell and seconded by Trustee Alberts.

The vote:

AYES: Smaistrila, McEachern, Russell, Alberts

NAYS: None

VOTE: 4-0

MOTION CARRIED

2A. Consider a motion to reject the bids and authorize the Purchasing Agent to re-advertise to receive bids for Solid Waste Landfill Disposal Services

The motion to reject the bids and authorize the Purchasing Agent to re-advertise to receive bids for Solid Waste Landfill Disposal Services, was made by Trustee Smaistrla and seconded by Trustee Russell.

The vote:

AYES: Alberts, McEachern, Smaistrla, Russell

NAYS: None

VOTE: 4-0

MOTION CARRIED

3A. Consider entering into a Water Tower/Communication Agreement with Samaritan EMS, to install, maintain, operate and remove radio communications equipment and appurtenances on the Vandament Avenue Water Tower located at 1650 W. Vandament Avenue, as recommended by the Development Services Director

The motion to enter into a Water Tower/Communication Agreement with Samaritan EMS, to install, maintain, operate and remove radio communications equipment and appurtenances on the Vandament Avenue Water Tower located at 1650 W. Vandament Avenue, as recommended by the Development Services Director, was made by Trustee Alberts and seconded by Trustee Smaistrla.

The vote:

AYES: Smaistrla, Russell, Alberts, McEachern

NAYS: None

VOTE: 4-0

MOTION CARRIED

4A. Consider and take action with respect to Resolution YMA 2017-05, a resolution authorizing the Yukon Municipal Authority (the "Authority") to issue its Sales Tax Revenue Note, Series 2017 in the aggregate principal amount of \$10,000,000.00 (the "2017 Note"); waiving competitive bidding and authorizing the 2017 Note to be sold at a price of par by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving documents, procedures and payments related to issuance of the 2017 Note; providing that the trust indenture shall be subject to provisions of the 2017 Note; authorizing and directing the execution of the 2017 Note and other documents relating to the transaction, including professional services agreements; and containing other provisions relating thereto.

The motion to approve Resolution YMA 2017-05, a resolution authorizing the Yukon Municipal Authority (the "Authority") to issue its Sales Tax Revenue Note, Series 2017 in the aggregate principal amount of \$10,000,000.00 (the "2017 Note"); waiving competitive bidding and authorizing the 2017 Note to be sold at a price of par by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving documents, procedures and payments related to issuance of the 2017 Note; providing that the trust indenture shall be subject to provisions of the 2017 Note; authorizing and directing the execution of the 2017 Note and other documents relating to the transaction, including professional services agreements; and containing other provisions relating thereto, was made by Trustee Russell and seconded by Trustee Alberts.

Chris Gander, BOK Financial, stated the Council authorized bids to be sought in June, two bids were received: BB&T and BancFirst, recommends accepting BB&T Option #2 which allows for prepayment at par after 01/01/2025. Mr. Russell asked if there are any issues making payments. Mr. Crosby stated no, it is a budgeted expense. Projects are Hwy 4 bridge with roadway improvements; I-40 interchange design, Vandament Avenue realignment design; widening of Frisco Road; buildings for storage and maintenance; Yukon street improvements; and contingency.

Mr. Alberts asked about waiving competitive bidding. Mr. Gander stated that language refers to a very regulated process, mostly for GO bonds. Packets are sent out to interested banks, a list of which BOK Financial maintains. BOK Financial Services is the financial advisor on the City's side in negotiation. Mayor McEachern asked about other bid requirements. Nate Ellis said the projects will be bid, waiving competitive bidding requires a 4/5 vote to approve. Mr. Crosby stated no advertising, but packets were sent out. Mr. Ellis stated it is a competitive process.

The vote:

AYES: Russell, Alberts, McEachern, Smaistrila

NAYS: None

VOTE: 4-0

MOTION CARRIED

(Adjourn as YMA and Reconvene as Yukon City Council)

1. Consent Docket

This item is placed on the agenda so the City Council, by unanimous consent, can designate those routine items they wish to be approved by one motion. If an item does not meet with the approval of all Council Members, that item will be heard in regular order.

The City Manager recommends a motion that will approve:

- A) The minutes of the regular meeting of July 6, 2017**
- B) Payment of material claims in the amount of \$618,790.52**
- C) The appointment of Velta Johnston to the board of the Spanish Cove Housing Authority, for the term for Office #6 expiring May 31, 2023, as recommended by the Nominating Committee**
- D) Denial of Claim No. 203587-LR from Kelly Allen, for property damage, as recommended by the Oklahoma Municipal Assurance Group**
- E) Setting the date for the next regular Council meeting for August 1, 2017, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 S. Fifth St.**

The motion to approve the Consent Docket, consisting of the minutes of the regular meeting of July 6, 2017; payment of material claims in the amount of \$618,790.52; the appointment of Velta Johnston to the board of the Spanish Cove Housing Authority, for the term for Office #6 expiring May 31, 2023, as recommended by the Nominating Committee; denial of Claim No. 203587-LR from Kelly Allen, for property damage, as recommended by the Oklahoma Municipal Assurance Group; setting the date for the next regular Council meeting for August 1, 2017, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 S. Fifth St., was made by Council Member Smaistrila and seconded by Council Member Russell.

The vote:

AYES: Smaistrila, Alberts, McEachern, Russell

NAYS: None

VOTE: 4-0

MOTION CARRIED

2. Reports of Boards, Commissions and City Officials

Mr. Crosby gave a water report. He stated costs mentioned are not total costs. No water meters are estimated, the handheld device will alert if the reading is missed or in error. The billing process includes a time lag. The City does not know what the water that goes through the meter is used for. The City will work with citizens by rereading a meter, checking for leaks and/or setting up payment arrangements.

3. Consider approving Ordinance 1344, an ordinance rescinding Ordinance Number 1315 in its entirety; of the Smartcode (SC) District Regulations for Land Use; Smartcode Regulations with the Urban Gateway Overlay District; repealing conflicting ordinances and Resolutions; providing for severability and declaring an emergency.

The motion to approve Ordinance 1344, an ordinance rescinding Ordinance Number 1315 in its entirety; of the Smartcode (SC) District Regulations for Land Use; Smartcode Regulations with the Urban Gateway Overlay District; repealing conflicting ordinances and Resolutions; providing for severability and declaring an emergency, was made by Council Member Russell and seconded by Council Member Smaistrila.

Mr. Alberts worked on setting this up and would like discussion. Mr. Crosby stated many promises came with SmartCode. The owners now say it is burdensome and national developers are more familiar with traditional zoning. The rescinding has been approved by YEDA and the Planning Commission. Mayor McEachern said all at the YEDA meeting agreed change was needed. Mr. Alberts asked who the owners are. Mr. Crosby stated the Church, Optiz are not in favor of SmartCode. Developers didn't like it and claimed extra costs. The opinion is construction of the interchange will spur development. Mr. Alberts stated the hope was to get away from traditional construction, intent was for aesthetics. What assurance is there that future development will be a showplace? Mr. Crosby said it is likely to be a PUD, which allows restrictions. Many developers agree SmartCode isn't best for the community, hurts prospects for additional sales tax. Mr. Alberts stated he will reluctantly support, but hopes for more than big asphalt lots. Mr. Crosby said most want to see a high quality development.

The vote:

AYES: McEachern, Smaistrila, Alberts, Russell

NAYS: None

VOTE: 4-0

MOTION CARRIED

3a. Consider approving the Emergency Clause of Ordinance No. 1344

The motion to approve the Emergency Clause of Ordinance No. 1344, was made by Council Member Smaistrila and seconded by Council Member Russell.

The vote:

AYES: Russell, McEachern, Smaistrila, Alberts

NAYS: None

VOTE: 4-0

MOTION CARRIED

3. Consider approving Ordinance 1345, an ordinance providing amendment to the Code of Ordinances of the City of Yukon, Oklahoma by amending Appendix A – Zoning Ordinance, Sections 201.1, 401.3, 404.1, 406.1; and deleting Section 607 and Section 608, providing for the rescinding of an Urban Gateway Overlay Supplemental District and providing for original zoning designations; providing for severability and declaring an emergency.

The motion to approve Ordinance 1345, an ordinance providing amendment to the Code of Ordinances of the City of Yukon, Oklahoma by amending Appendix A – Zoning Ordinance, Sections 201.1, 401.3, 404.1, 406.1; and deleting Section 607 and Section 608, providing for the rescinding of an Urban Gateway Overlay Supplemental District and providing for original zoning designations; providing for severability and declaring an emergency, was made by Council Member Russell and seconded by Council Member Smaistrla.

The vote:

AYES: McEachern, Russell, Smaistrla, Alberts

NAYS: None

VOTE: 4-0

MOTION CARRIED

4a. Consider approving the Emergency Clause of Ordinance No. 1345

The motion to approve the Emergency Clause of Ordinance No. 1345, was made by Council Member Russell and seconded by Council Member Smaistrla.

The vote:

AYES: McEachern, Russell, Smaistrla, Alberts

NAYS: None

VOTE: 4-0

MOTION CARRIED

- 5. Consider and take action with respect to Resolution 2017-13, a resolution of the City Council of the City of Yukon, Oklahoma (the "City"), approving the incurrence of indebtedness by the Yukon Municipal Authority (the "Authority") issuing its Sales Tax Revenue Note, Series 2017 in the aggregate principal amount of \$10,000,000.00 (the "2017 Note"); waiving competitive bidding and authorizing the 2017 Note to be sold at a price of par value by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving a sales tax agreement providing security for the 2017 Note; providing that the trust indenture shall be subject to provisions of the 2017 Note; authorizing and directing the execution of documents and procedures related to issuance of the 2017 Note; and containing other provisions relating thereto.**

The motion to approve Resolution 2017-13, a resolution of the City Council of the City of Yukon, Oklahoma (the "City"), approving the incurrence of indebtedness by the Yukon Municipal Authority (the "Authority") issuing its Sales Tax Revenue Note, Series 2017 in the aggregate principal amount of \$10,000,000.00 (the "2017 Note"); waiving competitive bidding and authorizing the 2017 Note to be sold at a price of par value by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving a sales tax agreement providing security for the 2017 Note; providing that the trust indenture shall be subject to provisions of the 2017 Note; authorizing and directing the execution of documents and procedures related to issuance of the 2017 Note; and containing other provisions relating thereto, was made by Council Member Alberts and seconded by Council Member Smaistrla.

Mayor McEachern stated the motion should include the acceptance of Option #2.

Council Member Alberts amended his motion to include the acceptance of BB&T Option #2, seconded by Council Member Smaistrla.

The vote:

AYES: Alberts, Russell, McEachern, Smaistrla

NAYS: None

VOTE: 4-0

MOTION CARRIED

Mr. Alberts stated we need to return to and amend item 4A.

Council Member Russell amended is motion for Item 4A to include the accepting the bid for Option #2 from BB&T, seconded by Council Member Alberts.

The vote:
AYES: McEachern, Smaistrila, Alberts, Russell
NAYS: None
VOTE: 4-0
MOTION CARRIED

- 6. Consider and take action with respect to Ordinance 1346, an ordinance amending Sec. 2-137(B) of the Code of Ordinances of the City of Yukon by determining that certain obligations, including the Yukon Municipal Authority Sales Tax Revenue Note, Series 2017 in the aggregate principal amount of \$10,000,000.00, do not exceed debt limitations; repealing all conflicting ordinance provisions; and declaring an emergency.**

The motion to approve Ordinance 1346, an ordinance amending Sec. 2-137(B) of the Code of Ordinances of the City of Yukon by determining that certain obligations, including the Yukon Municipal Authority Sales Tax Revenue Note, Series 2017 in the aggregate principal amount of \$10,000,000.00, do not exceed debt limitations; repealing all conflicting ordinance provisions; and declaring an emergency, was made by Council Member Alberts and seconded by Council Member Smaistrila.

The vote:
AYES: Russell, McEachern, Smaistrila, Alberts
NAYS: None
VOTE: 4-0
MOTION CARRIED

- 6a. Consider approving the Emergency Clause of Ordinance No. 1346**

The motion to approve the Emergency Clause of Ordinance No. 1346, was made by Council Member Russell and seconded by Council Member Smaistrila.

The vote:
AYES: Alberts, Russell, Smaistrila, McEachern
NAYS: None
VOTE: 4-0
MOTION CARRIED

- 7. Consider a motion to approve payment of funds to the City of Oklahoma City, to allow for payment of the annual Capital Replacement Allocation Fee related to the Radio Usage Agreement, for budget year 2017-2018, not to exceed \$32,384.00, as recommended by the Information Technology Director**

The motion to approve payment of funds to the City of Oklahoma City, to allow for payment of the annual Capital Replacement Allocation Fee related to the Radio Usage Agreement, for budget year 2017-2018, not to exceed \$32,384.00, as recommended by the Information Technology Director, was made by Council Member Russell and seconded by Council Member Alberts.

The vote:
AYES: Smaistrila, Alberts, Russell, McEachern
NAYS: None
VOTE: 4-0
MOTION CARRIED

8. Consider approving a Permit to Conduct Geophysical Operations with CGG Land (U.S.) Inc. (CGG), to conduct a 3-D seismic survey, including a permit fee of \$87,129.81, as recommended by the Development Services Director

The motion to approve a Permit to Conduct Geophysical Operations with CGG Land (U.S.) Inc. (CGG), to conduct a 3-D seismic survey, including a permit fee of \$87,129.81, as recommended by the Development Services Director, was made by Council Member Alberts and seconded by Council Member Russell.

Mr. Hort stated CGG will conduct a seismic 3-D survey to locate oil & gas deposits. Mr. Alberts asked questions regarding concerns for citizens, anticipated damage, staff satisfaction. Mr. Hort stated this has been done many times, a smaller truck is used inside city limits. Damage protocols, hours, bond are all covered in the contract. Johnny May, CGG, stated areas have been approved in OKC and Piedmont. The survey does not cause damage and complies with the national standard. There have been zero city claims in the past 10 years. Mr. Hort stated staff approves and it has worked well in other cities. Bond is set and insurance policy has been provided.

Mr. Russell stated he had a poor experience with another company. He asked if CGG will stay on the roads and the reason for coming thru city limits. Mr. May stated no charges or drilling, they will be in town no more than 2 weeks and will stay on streets and right of ways. They will use city maps to avoid infrastructure. The City has final say on where activity can occur. The plan is to use off duty Yukon officers as escorts. The reason to come through town is at the request of a client.

Mayor McEachern stated there is a new play south of Kingfisher, new drilling technology is driving this survey. Asked for information on claims and found none. Only mini-vibes in city limits. In addition, asked about damage to water wells, pipes and door hangers. Mr. May stated there is an extended time limit on claims. A 3rd party monitors to ensure against damage. A service to check water wells will be at no cost. A map will be available of the service area. Surveyors start August 1st, a map will be ready about September 1st. Mr. Hort stated areas will be marked on the map of areas for CGG to avoid.

The vote:

AYES: Russell, Alberts, Smaistrila, McEachern

NAYS: None

VOTE: 3-1

MOTION CARRIED

9. **New Business** – No new business

10. **Council Discussion**

Council Member Smaistrila and Council Member Russell had no discussion.

Council Member Alberts thanked the Chamber of Commerce and small businesses.

Mayor McEachern agreed with Mr. Alberts that the Chamber of Commerce is strong. He invited the public to the Spanish Cove work session following the meeting.

11. **Adjournment**


Doug Shivers, City Clerk




Michael, McEachern, Mayor